



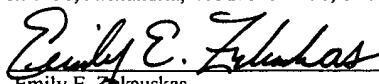
DOCKET NO.: C1039.70020US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No.: 09/337,584  
Confirmation No.: 9169  
Filed: June 21, 1999  
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES  
Examiner: Nita M. Minnifield  
Art Unit: 1645

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 24<sup>th</sup> day of August, 2006.

  
Emily E. Zukauskas

MAIL STOP AMENDMENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

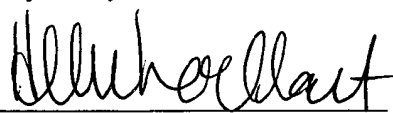
- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$180 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

  
Helen C. Lockhart, Ph.D., Reg. No.: 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
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Docket No.: C1039.70020US00  
Date: August 24 2006  
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DOCKET NO.: C1039.70020US00

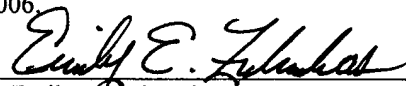
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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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01 FC:1806 180.00 OP

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office action, but before the mailing date of any final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
10/532,746	04-26-2005	Ahluwalia et al.	*C1037.70035US01
11/179,008	07-08-2005	Hartmann et al.	*C1039.70044US02
11/361,313	02-24-2006	Krieg et al.	*C1037.70060US01
11/368,334	03-03-2006	Krieg et al.	*C1039.70065US01
11/401,093	04-10-2006	Krieg et al.	*C1037.70062US01
11/411,975	04-26-2006	Uhlmann et al.	*C1041.70045US01

\*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

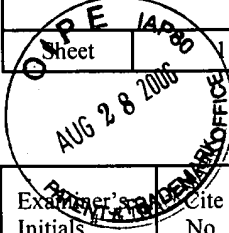
Respectfully submitted,

By:



Helen C. Lockhart, Ph.D., Reg. No. 39,248  
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**xNDDx**

<b>FORM PTO-1449/A and B (modified PTO/SB/08)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		APPLICATION NO.: 09/337,584	ATTY. DOCKET NO.: C1039.70020US00
		FILING DATE: June 21, 1999	CONFIRMATION NO.: 9169
		APPLICANT: Krieg et al.	
		GROUP ART UNIT: 1645	EXAMINER: Nita M. Minnifield
	Sheet 1 of 5		

### U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		5,498,410		Gleich	03-12-1996
		5,681,555		Gleich	10-28-1997
		6,194,388	B1	Krieg et al.	02-27-2001
		6,207,646	B1	Krieg et al.	03-27-2001
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		6,221,882		Macfarlane	04-24-2001
		6,239,116	B1	Krieg et al.	05-29-2001
		6,339,068	B1	Krieg et al.	01-15-2002
		6,339,630		Macfarlane	06-04-2002
		6,406,705	B1	Davis et al.	06-18-2002
		6,429,199	B1	Krieg et al.	08-06-2002
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		2004-0198680	A1	Krieg	10-07-2004
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		2005-0100983	A1	Bauer et al.	05-12-2005
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		2005-0101557	A1	Krieg et al.	05-12-2005
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		2005-0130911	A1	Uhlmann et al.	06-16-2005
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		2005-0171047	A1	Krieg et al.	08-04-2005
		2005-0181422	A1	Bauer et al.	08-18-2005

EXAMINER:	DATE CONSIDERED:
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# EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

<b>FORM PTO-1449/A and B (modified PTO/SB/08)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 09/337,584		ATTY. DOCKET NO.: C1039.70020US00	
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				APPLICANT: Krieg et al.			
				GROUP ART UNIT: 1645		EXAMINER: Nita M. Minnifield	
Sheet	2	of	5				




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	2006-0058251	A1	Krieg et al.	03-16-2006
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	2006-0172966	A1	Lipford et al.	08-03-2006

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
		EP	0 468 520	A2	Mitsui Toatsu Chemicals, Inc.	01-29-1992	
		WO	96/02555	A1	University of Iowa Research Foundation	02-01-1996	
		WO	96/40162	A1	East Carolina University	12-19-1996	
		WO	99/56755	A1	University of Iowa Research Foundation	11-11-1999	
		WO	00/06588	A1	University of Iowa Research Foundation	02-10-2000	
		WO	00/54803	A2	Panacea Pharmaceuticals, LLC.	09-21-2000	

EXAMINER:	DATE CONSIDERED:
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Sheet	3	of	5					

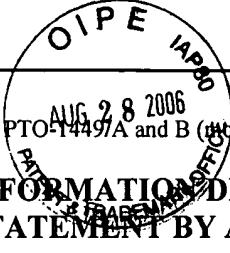
		WO	01/45750	A1	Regents of the University of California	06-28-2001	
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		WO	2004/026888	A2	Coley Pharmaceutical GmbH	04-01-2004	
		WO	2004/094671	A2	Coley Pharmaceutical GmbH	11-04-2004	

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
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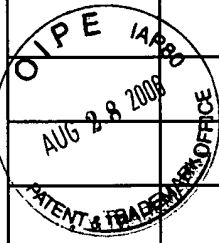
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		WONG et al., Formoterol compared with beclomethasone and placebo on allergen-induced asthmatic responses. Am Rev Respir Dis. 1992 Nov;146(5 Pt 1):1156-60.	
		Patent Interference No. 105,171. Decision on Motion under 37 CFR §41.125. March 10, 2005.	
		Patent Interference No. 105,171. Judgment and Order. March 10, 2005.	
		Patent Interference No. 105,171. Regents of the University of California Notice of Filing Appeal. March 17, 2005.	
		Patent Interference No. 105,171. Regents of the University of California. Brief of Appellant. July 5, 2005.	
		Patent Interference No. 105,171. University of Iowa and Coley Pharmaceutical Group, Inc. Brief of Appellees. August 17, 2005.	
		Patent Interference No. 105,171. Regents of the University of California. Reply Brief of Appellant. September 6, 2005.	
		Patent Interference No. 105,171. Regents of the University of California. Decision of CAFC. July 17, 2006.	

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]

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